

Washington State Dig Law Safety Committee 2013 in Review

Prepared by:
WUCC Standing Committee
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What We Accomplished in 2013

Prior to January 1, 2013, the WUCC asked for nominations to the Safety Committee. All nominations were reviewed and considered and the final thirteen members were selected. Three different meetings were held during 2012 to acquaint the group, talk about processes, review the law and practice mock hearings, all in an effort to be ready on January 1, 2013 to hear cases. Many boisterous conversations were held discussing different viewpoints and interpretations of the law. During the mock review cases, it was VERY interesting to note that conversations were based upon interpretations of the law and not on an excavator vs. utility mentality.

The Safety Committee, by general consensus, selected their own terms of service. The group was divided into one, two and three year terms. Two of the three members that had a one year term will continue for another three year term. One member, Don Patterson was replaced in January of 2014 by Scott Sammons. Additionally, the Safety Committee elected their own officers; Jon Cornelius, Chair and Dave Christensen, Vice Chair. This choice has helped to solidify and strengthen the Safety Committee. Dave and Jon work very well together. They provide a strong leadership foundation for the group, and have taken on many responsibilities to make this group successful. Much of the success of the group can be attributed to these two men.

In September, the Safety Committee lost their administrative assistant, Abbi Rhoads. Abbi was instrumental in the Safety Committee even before the group was formed. While her leaving was a huge loss to the group, the Standing Committee members were able to pick up the slack until the new assistant, Chelsie Rehfield, was brought up to speed. This was a valuable lesson as how the group would continue to function with the loss of an administration assistant.

Currently, the Standing Committee is looking at options to fund the administration assistant position. There are a few different options that are being considered at this time, including a grant that the Safety Committee applied for themselves.

Washington State Dig Law Safety Committee

2013 in Review

Prepared by:

Jon Cornelius, Chair

Dave Christensen, Vice Chair

What We Accomplished in 2013

- Began meeting in October of 2012 to begin and complete the establishment of our bylaws.
- Establish the staggered terms for all thirteen members of the committee.
- Developed our process for holding Review Committee meetings regarding complaints filed.
- Established our letterhead and standard cover letters regarding the complaint review process.
- Received and processed 26 dig law complaints. Of those complaints, the Committee triaged them to bring resolution. Two went to hearing and are currently being referred to the UTC for next steps. The remaining ones were handled internally by either sending letters to the alleged violators reminding them of their responsibilities under the dig law or by referring them to the appropriate resource, be it the UTC or DIRT. Of the 26, at the end of the year we only have three outstanding cases that we are looking to bring to resolution.
- Met quarterly in 2013 to establish work program and to train for Review Committee meetings.
- Applied for One Call Grant in the amount of \$40,000 for assistance with administrative support services and assistance from a consultant for work on Best Practices.
- Began process for identifying areas in the dig law that may require amending or supplementation.
- Established the penalty schedule that the Review Committee will use for alleged violators of the dig law in its recommendation to the UTC.
- Review requests for Law Changes by interested parties; surveyors request to be exempt from requirement to call for dig ticket and Facility Operator request to be exempt from requirement to call for dig ticket on their facility.
- Review requests for law changes from within the committee as well as from outside sources within the industry, including:
 1. All utilities installed from here forward shall be locatable.
 2. The requirement for Insurance Representative to be on every Review Committee process,
 3. A copy of a dig ticket be required to be on-site,
 4. Reclassifying an emergency locate.
- Established quarterly meetings between the Chair and Vice Chair of the Committee along with WUCC Members to meet with the staff at UTC to check in on progress of the committee and to identify areas of need.

Areas of Concern as We Head into 2014

- The requirements for formation of a Review Committee severely hinder the Safety Committees ability to establish a review committee. Starting with the requirement of the Insurance representative being required being on all reviews, but also the requirement to have the Gas Representative have to be the first facility operator, and then for each facility operator, we must have an equal number of excavators. These constraints severely restrict the flexibility needed to form Review Committees. We anticipate this will be clearly obvious as we move forward and as we process more complaints through the Review Committee.
- Adequate funding and resources needed to properly operate the Safety Committee. Given the restraint by the legislature of no State funding, on top of limited resources available through the non-profit that operates the Safety Committee, this committee only can meet minimum expectations as described in the law. The committee struggles to formulate sub committees, and other required functions of a committee as it does not have the proper regular oversight to ensure those processes are implemented. We will want to look into multiple options for the provision of adequately funding the committee.
- We need to better document what we have done into actual processes so that as the current leadership transitions out of that role, the next group will have an easier time transitioning into the roles and responsibilities.
- Emphasis of the dig law was geared toward standard excavator/facility operator relationship. We have found that there is a lot of confusion on the part of home owners who are using the one call system as to exactly the level of service they are being provided. Confusion over private underground facilities not being located.

This provides a broad perspective of both what we accomplished in 2013 as well as our areas of concern as we proceed into 2014. We both feel strongly that we made great strides this year in establishing a solid foundation to work from, but also recognize that there is still a lot left to be completed in order to have a complete program for the Safety Committee.

Suggested Law Change

[illegible]